IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

WRIT PETITION NO.8322 OF 2003

Malkavathe V.K.S. Co-operative Society Ltd., a registered Co-operative Society, having office at Taluka South Solapur, District Solapur).. PETITIONER

Versus

1) The State of Maharashtra through its Secretary for Food & Civil Supplies Department Mantralaya, Mumbai 400 032.

2) The District Supply Officer District Solapur.

3) The Collector District Solapur.).. RESPONDENTS

Mr.V.A. Mule with Mr.G.S. Godbole for the Petitioner.

Mr.C.R. Sonawane, Assistant Government Pleader, for Respondent Nos.1 to 3.

CORAM: V.G. PALSHIKAR, Ag. C.J. AND SMT. NISHITA MHATRE, J.

DATED: 14TH FEBRUARY 2006

ORAL JUDGMENT (PER PALSHIKAR, Ag.C.J.)

. By this Petition, the Petitioner has impugned the action of the Respondents in issuing an advertisement calling for applications for grant of third fair price shop in Village Malkavathe, District Solapur. On 2nd December 2003, when this Petition came up before this Court for admission, notice before admission was issued and it was made returnable. Thereafter, the matter came up again before the Court on

19th March 2004 and the following order was made :-

> "Inspite of repeated opportunity granted, State has not filed any reply. Hence, Rule. Liberty to apply for interim relief."

Inspite of this order, no reply was filed.

2. The matter came up for grant of interim relief before this Court on 20th October 2004 and interim relief in terms of prayer clause (d) was granted. Even though such interim relief was granted, no steps were taken by the Respondents to contest the claim in the Petition. There is, therefore, no other alternative for us but to accept the statement made on affidavit in the Petition that the advertisement is unwarranted and does not follow the guidelines issued by the State. As a necessary corollary of this inference, the advertisement dated 31st October 2003 is liable to be quashed. It is accordingly quashed. There shall be no order as to costs. Petition disposed of accordingly.

(V.G. PALSHIKAR, Ag.C.J.)

(SMT.NISHITA MHATRE, J.)